

**Notice of Allowability**

Application No.

10/041,597

Examiner

Alan Diamond

Applicant(s)

YAMAKAWA ET AL.

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1753

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed May 11, 2006.
2. ☒ The allowed claim(s) is/are 1-28.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **REASONS FOR ALLOWANCE**

1. The following is an examiner's statement of reasons for allowance: Instant independent claims 1 and 2 now require that the planar plate has the channel, the at least one lens, filter or grating optical component, the first (flat and smooth) incoming window, the second (flat and smooth) incoming window, the excitation transmission path, the first (flat and smooth) outgoing window, the second (flat and smooth) outgoing window and the fluorescent transmission path are all integrally-molded therein. In JP 9-288090 (JP '090), what are equivalent to the instantly claimed "lens, filter or grating" are disclosed as being discretely provided separately from JP '090's substrate (14). JP '090's substrate (14) is the one which would be considered to have the instant windows and channels. JP '090's optical fiber (8) is not integrally molded with the substrate (14), but rather is inserted in slot (22) of the substrate (14) (see Figure 1; and paragraph 0007). JP '090's light filter (37) and electric eye (35) are not integrally molded with substrate (14) but rather are placed on substrate (15), which is in turn pasted (adhered) to substrate (14) (see Figure 1; and paragraphs 0007 and 0008). The same deficiencies of JP '090 apply to JP 9-288089 (JP '089), whose Figure 1 is very similar to Figure 1 in JP '090. The instant specification teaches the advantage of integrally molding the optical components is that analysis with a high degree of accuracy can be made with no refraction of an excitation beam and fluorescence, without decaying the light intensity thereof due to scattering (see the paragraph bridging pages 12 and 13). In general, the advantage of the instant electrophoresis apparatus, having the claimed windows and fluorescent transmission path is, for example, the reduction of affection by

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background light or stray light so as to enhance the accuracy of detection (see page 4, lines 8-13). The prior art does not teach or suggest the combination of features that is now claimed.

Instant independent claims 10 and 19 have plural planar plates, as seen, for example, in instant Figure 7. Such a structure of plural plates is clearly not taught or suggested by either JP '090 or JP '089.

Support for "at least one optical lens, filter or grating component" can be found, for example, in the specification at the paragraph bridging page 12 and 13, and at page 14, lines 11-22. Support for new claim 28, which recites a plurality of substrates, can be found in instant Figure 7 and in the paragraph bridging pages 16 and 17.

JP2001-83118 and JP 2001-330587 are hereby made of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Diamond whose telephone number is 571-272-1338. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alan Diamond  
Primary Examiner  
Art Unit 1753

Alan Diamond  
May 24, 2006

A handwritten signature in black ink, appearing to read 'Alan Diamond', with a stylized, cursive script.